

January 14, 2005

The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner



Certified Mail 7000 0600 0023 9934 0654
Return Receipt Requested

Letter of Deficiency
No. WMD 05-01

Robert Kelly
Seacoast Farms Compost Products, Inc.
59 Columbus Avenue
Exeter, NH 03833

**SUBJECT: Compliance Deficiencies - Seacoast Farms Compost Products, Inc.,
Shirkin Road, Fremont, New Hampshire, DES-SW-PN-01-002**

Dear Mr. Kelly:

On December 8, 2004, the Department of Environmental Services, Waste Management Division ("Department") conducted an inspection of your facility ("facility") located off Shirkin Road, Fremont, NH. Prior to conducting the inspection, Department staff participated in a meeting between you and members of the Fremont Board of Selectmen. The purpose of the inspection was to determine your compliance status with RSA 149-M, the rules adopted pursuant thereto, and your permit relative to the proper management of a small food waste composting facility.

On December 13, 2004 the Town of Fremont submitted to the Department a number of documents regarding odor complaints. What follows is a detailed summary of each written notice of a complaint, which had either been mailed or e-mailed to you and the minutes of a January 14, 2004 meeting between Town residents, Town officials and you:

1. On March 13, 2003, the town issued a letter to you regarding complaints about odors from the facility. The letter indicates town officials had been receiving odor complaints for an unspecified period of time and that you should take what ever actions deemed necessary to remedy the issue.
2. On January 8, 2004, the town issued a letter to you regarding continuing odor complaints.
3. According to the minutes of a January 14, 2004 meeting you were informed of odor complaints, site security and access concerns.
4. On August 17, 2004, the town issued a complaint to you via an e-mail regarding odors from the facility.
5. On October 12, 2004, the town issued a complaint to you via an e-mail regarding odors from the facility.
6. On December 2, 2004, the town issued a letter to you regarding continuing odor complaints from the facility.

During the December 8, 2004 inspection, Department personnel learned or observed the following:

1. Strong odors were not detected at the facility during the inspection.
2. Windrowing is the compost method used at the facility; however, a number of the windrows had yet to be separated from each other with little to no access for turning.
3. The amount of windblown litter was minimal and you stated that litter is picked up at the facility on a regular basis.
4. Temperature equipment was observed and reportedly used at the facility; however, no temperature records are maintained.
5. The facility operator turns each windrow twice each month with turning dependent on wind direction to mitigate odors moving toward nearby homes.
6. Surface runoff from the center of the windrow/stockpile area appeared to be poor.
7. You stated that a larger than expected amount of raw material had been delivered to the facility during 2004.
8. There is only one operator at the facility during normal working hours.
9. The Department is concerned that the tonnage of compost materials currently at the facility, exceed the capacity of the operators to effectively manage the material.

This letter serves to inform you that information received from the town and from observations and information obtained during the inspection, facility conditions constitute violations of RSA 149-M and the rules adopted pursuant thereto, specifically:

Env-Wm 2104.05(b)(2)	Failure to prohibit precipitation and surface drainage from collecting in the stockpile area.
Env-Wm 2304.03(a)(1)(a)	Failure to maintain compost under aerobic conditions during the composting process.
Env-Wm 2305.02(b)	Failure to maintain daily temperature records during the composting process.
Env-Wm 2305.02(c)(3)	Failure to maintain a daily temperature data log containing date, time, location of data collection, name of person collecting the data, data collection method, calibration data, and the temperature data.
Env-Wm 2307.02(i)	Failure to maintain access to all of the windrows.
Env-Wm 2307.02(l)	Failure to turn windrows sufficiently often to maintain aerobic conditions at all times throughout each windrow.
Env-Wm 2705.01(d)(4)	Failure to operate the facility in manner that controls odors.
Env-Wm 2705.01(d)(11)	Failure to operate the facility in manner that controls nuisances.
Env-Wm 2705.01(f)	Failure to correct operating problems in a timely manner.

Env-Wm 2705.09(d)

Failure to report to the Department, in writing, complaints made by abutters and the town involving operating conditions involving recurring odor problems.

The Department believes that the cited deficiencies can be corrected by completing the following requested actions within the time indicated:

1. **Immediately** cease accepting deliveries of compost materials including leaf and yard waste, and food wastes until a revised operating plan has been approved by the Department and implemented at the facility. The Department will accept the following criteria as the bases for restarting operations at the facility:
 - (a) physical separation of all windrows from each other,
 - (b) a windrow turning frequency sufficient to maintain each windrow under aerobic conditions,
 - (c) maintenance of a daily temperature log for each composting windrow, and
 - (d) implementation of a plan to improve drainage conditions around all windrows
2. **Within 15 days of** the date of this letter, submit an estimate of the tonnage of all compost material together with a site plan [scale not to exceed 1"=100'] that accurately represents the location, size and volume of all windrows at the facility as they currently exist, regardless of whether a windrow contains only leaf and yard wastes or includes food waste.
3. **Within 15 days of** the date of this letter, submit a statement certifying that the facility will henceforth be managed in a manner that reasonably mitigates odors and other nuisances.
4. **Within 15 days of** the date of this letter, submit a statement certifying that the quantity of compost material currently at the facility can be managed such that odors and other nuisances are mitigated without increasing the number of operators and equipment. If this is not possible and if no additional operators and equipment are proposed in the revised operating plan, submit a schedule to remove a quantity of compost material sufficient to allow the operator to effectively manage the facility as free of odors and other nuisances as is reasonable.
5. **Within 30 days of** the date of this letter, submit a revised operating plan for mitigating all of the violations noted above. On the drainage issue, the Department recommends the ground surface surrounding each windrow be graded to a slope of 2-3 percent.
6. **Within 30 days of** the date of this letter, include in the revised operating plan information detailing the quantity, type, and source(s) of all food wastes received by the facility during 2004.


Please address all correspondence and reports regarding this matter to:

Douglas Kemp, Waste Management Specialist
Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095
Fax: (603) 271-2456

In the event each compliance action is not achieved within the time period indicated above, the Department may initiate formal enforcement action against you including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. The Department reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Douglas Kemp at (603) 271-2925 if you have any questions or need further assistance.

Sincerely,


Michael Guilfooy, P.E.
Supervisor
Solid Waste Management Bureau

cc: Anthony P. Giunta, P.G., Director, WMD
Michael A. Sills, Acting Administrator, WMP
Gretchen R. Hamel, Legal Unit Administrator
Town Clerk, Fremont, NH